



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,056	08/07/2003	Kermit R. Littleton	SSK-6-CIP-CON (SS-00305.2)	1030
22827	7590	07/27/2006		EXAMINER
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			MIGGINS, MICHAEL C	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/636,056	LITTLETON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael C. Miggins	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 May 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 14,16-28 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 14,16-28 and 30-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/5/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

**REJECTIONS WITHDRAWN**

1. The 102 and 103 rejections for claims 14-23 and 28-33 set forth in the non-final rejection of 1/30/06, pages 2-5, paragraphs 3-9 have been withdrawn.

**REJECTIONS REPEATED**

2. The 103 rejections for claims 24-27 set forth in the non-final rejection of 1/30/06, pages 5-7, paragraphs 10-11 are repeated for the reasons of record.

**NEW REJECTIONS**

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14, 21-23, 28, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Modak et al. (US 5133090) in view of Modak et al. (US 5965610).  
Modak '090 discloses an elastomeric glove having a silicone and a didecyl ammonium chloride surfactant dip coated on an inner surface of the glove (column 2, lines 51-63, column 4, lines 14-26), wherein the elastomeric material of the substrate body is selected from a natural rubber latex, wherein the article is dip formed, wherein

the article is a glove (column 2, lines 51-63, column 4, lines 14-26) (applies to instant claims 14, 21-23, 28 and 33).

Modak '090 fails to disclose wherein the surfactant layer comprises a behentrimonium quaternary ammonium compound.

Modak '610 discloses a surfactant layer which comprises a behentrimonium quaternary ammonium compound (column 25, lines 25-30) in a glove for the purpose of providing anti-irritant properties.

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided a surfactant layer which comprises a behentrimonium quaternary ammonium compound in Modak '090 in order to provide improved anti-irritant properties.

5. Claims 16 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Modak et al. (US 5133090) in view of Modak et al. (US 5965610), as applied to claims 14, 21-23, 28 above, and further in view of Bechara et al. (US 5985955).

Modak '090 fails to disclose wherein the silicone is a polydimethyl siloxane emulsion.

Bechara discloses wherein the silicone is a polydimethyl siloxane emulsion (column 9, lines 19-27) in a glove for the purpose of providing improved hydrophilicity (applies to instant claims 16 and 30).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided wherein the silicone is a polydimethyl

Art Unit: 1772

siloxane emulsion in Modak '090 in order to provide improved hydrophilicity as taught or suggested by Bechara.

6. Claims 17, 19-20 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Modak et al. (US 5133090) in view of Modak et al. (US 5965610), as applied to claims 14, 21-23, 28 above, and further in view of Plamthottam et al. (WO 94/20574, cited by applicant).

Modak '090 fails to disclose wherein a donning layer is positioned between the substrate body and surfactant layer, wherein the donning layer comprises a mid block unsaturated block copolymer, wherein the donning layer is chlorinated.

Plamthottam discloses wherein a donning layer is positioned between the substrate body and surfactant layer, wherein the donning layer comprises a mid block unsaturated block copolymer, wherein the donning layer is chlorinated (page 3, lines 9-33, column 4, lines 6-8, column 6, lines 1-20) in a glove for the purpose of providing improved cleanliness as well as ergonomics (applies to instant claims 17, 19-20 and 31-32).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided wherein a donning layer is positioned between the substrate body and surfactant layer, wherein the donning layer comprises a mid block unsaturated block copolymer, wherein the donning layer is chlorinated in Modak '090 in order to provide improved cleanliness as well as ergonomics as taught as suggested by Plamthottam.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Modak et al. (US 5133090) in view of Modak et al. (US 5965610) and Plamthottam et al. (WO 94/20574, cited by applicant), as applied to claims 17, 19-20 and 31-32 above, and further in view of Modha et al. (US 2003/0226191).

Modak '090 fails to disclose wherein the donning layer comprises syndiotactic 1,2 polybutadiene.

Modha discloses a donning layer which comprises syndiotactic 1,2 polybutadiene (page 5, paragraph [0042]) in a glove for the purpose of providing improved donning properties.

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided a donning layer which comprises syndiotactic 1,2 polybutadiene in Modak '090 in order to provide improved donning properties as taught or suggested by Modha.

#### **ANSWERS TO APPLICANT'S ARGUMENTS**

8. Applicant's arguments filed 5/2/06 have been carefully considered but are deemed unpersuasive.

Applicant has argued that there is no teaching whatsoever that the Incroquat Behenyl TMS (behentrimonium methosulfate and cetearyl alcohol) provides "anti-irritant properties". However, Modak '610 provides clear examples of the use of Incroquat Behenyl TMS (behentrimonium methosulfate and cetearyl alcohol) (column 25, lines 8-

51 and column 26, lines 28-44) in the inventive composition. Furthermore, Modak '610 specifically states that the foregoing (*emphasis added*) topical compositions have been found to have a soothing effect on the skin and to diminish the effect of physical and/or allergenic irritants (column 25, lines 51-55). Therefore, Modak '610 provides motivation for adding the Incroquat Behenyl TMS (behentrimonium methosulfate and cetearyl alcohol) to the composition of Modak '090 in order to provide a soothing effect on the skin and to diminish the effect of physical and/or allergenic irritants.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 1772

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael C. Miggins  
Primary Examiner  
Art Unit 1772



MCM  
July 21, 2006